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December 9, 2011

VIA ECF

Magistrate Judge Arlene R. Lindsay
U.S. District Court
Eastern District of New York
Long Island Federal Courthouse
814 Federal Plaza
Central Islip, NY 11722-4451

RE: Dixon v. Village of Hempstead, et al.
10 CV 3577 (LDW)(ARL)
Our File No. 12536-0009

Dear Magistrate Judge Lindsay:

I represent defendants in this matter and write to request an extension of the discovery cutoff until January 31, 2012. It currently expires on December 16, 2011. I have made a good faith effort to confer with plaintiff's counsel as documented by the emails I have sent to him, copies of which are attached hereto. As of this writing he has not responded.

After Your Honor advised that my earlier request had been made without sufficient consultation between counsel, I sent him an email late in the morning of December 6th and again that afternoon asking him to contact me so we could discuss scheduling and submit a joint application. At approximately 9:00 a.m. on Wednesday Mr. Sanders advised me that he would be unavailable until Friday to which I responded, on Wednesday, that I thought this was too late given the impending cutoff date.

I heard nothing in response and yesterday afternoon again requested that he contact me this morning. In his Wednesday email he indicated he would be available. I have not heard from him.

As I indicated in my December 2, 2011 letter, Mr. Sanders initially reached out to me and advised that his schedule did not permit completion of the depositions by the current cut-off date and he suggested we request an extension until the end of January, to which I agreed. This communication was generated

December 9, 2011

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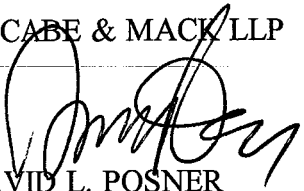
by my efforts to confirm that plaintiff's deposition, which had been noticed for December 6th and 7th would go forward.

As a result, it is respectfully requested that Your Honor extend the discovery deadline until the end of January, 2012 and permit dispositive motions to be filed on or before the end of February, 2012.

If Your Honor is unwilling to grant this request it is, alternatively, respectfully requested that the court direct plaintiff to appear for his deposition on Thursday and Friday, December 15th and 16th at the offices of Nixon Peabody LLP, prior counsel for defendants, as noticed. Mr. Sanders has previously indicated he is available on those dates.

Respectfully yours,

MCCABE & MACK LLP



DAVID L. POSNER

DLP/dmf

cc: Eric Sanders, Esq./The Sanders Firm, P.C.
Debra Urbano-DiSalvo, Esq.

addressed in this communication.

From: David Posner [mailto:DPosner@mccm.com]

Sent: Thursday, December 01, 2011 4:44 PM

To: esanders@thesandersfirm.com

Subject: Dixon

Eric--please call tomorrow so we can discuss scheduling. I expected your call this afternoon after your return to your office and access to your calendar. Thank you, David

12/9/2011

David Posner

From: David Posner

Sent: Thursday, December 01, 2011 4:44 PM

To: 'esanders@thesandersfirm.com'

Subject: Dixon

Eric--please call tomorrow so we can discuss scheduling. I expected your call this afternoon after your return to your office and access to your calendar. Thank you, David

12/9/2011

David Posner

From: Eric Sanders [esanders@thesandersfirmpc.com]
Sent: Friday, December 02, 2011 8:10 AM
To: David Posner
Subject: RE: Dixon
Importance: High
Attachments: depositionnotices09042011.pdf

Good Morning Mr. Posner:

I am on Trial today and unavailable, the same for Monday as I have to appear with a police sergeant in front of the Quality Assurance Division. However, I have taken a look at my calendar until the end of January. The following days I am unavailable: December 6-8, 21-23, 26, and 30; January 4, 16, 18, 19. I suggest that we complete these depositions in January 2012. We can start thinking about reserving days for the depositions of the parties and non-parties. The location of the depositions must occur within the Eastern District of New York, consistent with Rule 30 (b)(1), most parties reside in Nassau and/or Suffolk County; therefore most places within those counties are appropriate. I have also included the pdf copies of the prior deposition notices and/or subpoenas' that were served upon former defense counsel Nixon Peabody. Once we agree on the dates, and location, I will revise the deposition notices and/or subpoenas', we can make a joint motion to extend discovery.

Eric Sanders, Esq.

The Sanders Firm, P.C.

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12/9/2011

David Posner

From: David Posner

Sent: Tuesday, December 06, 2011 11:57 AM

To: 'esanders@thesandersfirm.com'

Subject: Dixon

Eric--Are you available today to discuss scheduling so we can submit a joint application? I'm sure you saw her response to my letter. Please advise, David

12/9/2011

David Posner

From: David Posner

Sent: Tuesday, December 06, 2011 4:14 PM

To: 'esanders@thesandersfirm.com'

Subject: Dixon

Eric--please reach out to me so we can discuss scheduling and if necessary make a jt request to Mag Lindsay. Thanks, David

12/9/2011

David Posner

From: Eric Sanders [esanders@thesandersfirmpc.com]
Sent: Wednesday, December 07, 2011 8:50 AM
To: David Posner
Subject: RE: Dixon
Importance: High

Good Morning:

I am tied up in the Eastern District today and tomorrow. We can discuss completing discovery on Friday if you are available.

Eric Sanders, Esq.

The Sanders Firm, P.C.

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From: David Posner [mailto:DPosner@mccm.com]
Sent: Tuesday, December 06, 2011 11:57 AM
To: esanders@thesandersfirmpc.com
Subject: Dixon

Eric--Are you available today to discuss scheduling so we can submit a joint application? I'm sure you saw her response to my letter. Please advise, David

12/9/2011

David Posner

From: David Posner
Sent: Wednesday, December 07, 2011 11:47 AM
To: 'Eric Sanders'
Cc: Karen Lesperance
Subject: RE: Dixon

Eric--I believe Friday is too late to initially approach the Magistrate for an extension of time. Please indicate your agreement to seek until the end of Jan to complete depositions and 30 days to file dispositive motions. I will write the Ct since you are unavailable until Friday. As to the location of the depositions, Dan Rizzi has indicated we can use his office. I can complete Mr Dixon's deposition before the current deadline expires and thus if the extension is denied us, please be prepared to go forward on dates we will determine when we speak on Friday. Your earlier email indicated you were free the week of Dec 12. Thanks, David

From: Eric Sanders [mailto:esanders@thesandersfirmpc.com]
Sent: Wednesday, December 07, 2011 8:50 AM
To: David Posner
Subject: RE: Dixon
Importance: High

Good Morning:

I am tied up in the Eastern District today and tomorrow. We can discuss completing discovery on Friday if you are available.

Eric Sanders, Esq.

The Sanders Firm, P.C.

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New York, NY 10036

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IRS CIRCULAR 230 DISCLOSURE

12/9/2011

David Posner

From: David Posner

Sent: Thursday, December 08, 2011 5:21 PM

To: 'Eric Sanders'

Subject: Dixon-

Eric--please call tomorrow a.m. We must approach Magistrate Lindsay as soon as possible. Thank you.

12/9/2011